

**AFFIDAVIT OF NON-PRODUCTION
AND NON-PAYMENT**

**STATE OF WEST VIRGINIA
COUNTY OF MARSHALL**

Affiant: Eli A. Wengerd
Affiant: Fannie Mae Wengerd
Address: 7932 Twp. Rd 662, Dundee, OH 44642

Jan Pest
MARSHALL County 02:37:37 PM
Instrument No 1288218
Date Recorded 06/28/2010
Document Type O&G
Pages Recorded 4
Book-Page 703-286
Recording Fee \$5.00
Additional \$6.00

Date: 5-10-10

Eli A. Wengerd and Fannie Mae Wengerd, both being of lawful age, being first duly sworn, state the following:

We are the owners of an undivided mineral interest in and to the oil and gas and associated minerals in the following lands situated in Franklin District, Marshall County, West Virginia and described as follows, to-wit:

249.07 acres more or less, being located in the Franklin District of Marshall County, West Virginia and being more particularly described in that certain deed dated August 18, 2006 from Marc Seamon to Eli A. Wengerd and Fannie Mae Wengerd, his wife, recorded in Book 654, page 52 of the Deed Records of said county and state. (Also further Identified as Tax Map 17, Parcel 6 of the Franklin District, Marshall Co. WV)

The Lands are subject to several unreleased Oil, Gas, and/or Mineral Leases (or related agreements), described as follows:

- a. Oil and Gas Lease dated October 23, 1886, of record in Deed Book 30, at Page 381, by and between Rachel E. Gatts, lessor, and J.M. Guffey & Company, lessee, for a primary term of twenty (20) years.
- b. Oil Lease dated October 26, 1889, of record in Deed Book 34, at Page 183, by and between Rachel E. Gatts, lessor, and Allie Chamberlain, lessee, for a primary term of five (5) years.
- c. Oil Lease dated October 4, 1892, of record in Deed Book 40, at Page 123, by and between R. E. Gatts, lessor, and Robt. W. Wallace, lessee, for a primary term of five (5) years.

- d. Oil and Gas Lease dated August 18, 1895, of record in Deed Book 49, at Page 470, by and between George E. Gatts and Rachel E. Gatts, his wife, lessors, and Levi Smith, lessee, for a primary term of five (5) years. By that assignment dated December 28, 1953, of record in Assignment Book 2, at Page 359, South Penn Natural Gas Company assigned said lease to South Penn Oil Company. By that agreement dated December 28, 1953, of record in Deed Book 209, at Page 552, South Penn Oil Company granted said lease to South Penn Natural Gas Company.
- e. Oil and Gas Lease dated December 30, 1901, of record in Deed Book 81, at Page 160, by and between George E. Gatts and Rachel E. Gatts, his wife, lessors, and the Tri-State Gas Co., lessee, for a primary term of five (5) years.
- f. Oil and Gas Lease dated January 18, 1929, of record in Deed Book 196, at Page 5, by and between Sherman Gatts and Emma Gatts, as lessor and The Manufacturer's Light and Heat Co., as lessee, for a primary term of ten (10) years. Said lease was assigned to Union Gasoline & Oil Corporation by that instrument dated September 1, 1936, of record in Deed Book 203, at Page 404 and in Assignment Book 196, at Page 50.
- g. Oil and Gas Lease dated April 14, 1939, of record in Deed Book 209, at Page 377, by and between Sherman Gatts, widower, and The Manufacturer's Light and Heat Co., as lessee, for a primary term of ten (10) years.
- h. Oil and Gas Lease dated July 24, 1962, of record in Deed Book 363, at Page 225, by and between Herbert F. Kelley and Hazel V. Kelly, his wife, as lessor and Weaver Oil and Gas Corporation, as lessee, for a primary term of ten (10) years.
- i. Oil and Gas Lease dated April 10, 1974, of record in Deed Book 434, at Page 671, by and between Herbert F. Kelley and Hazel V. Kelly, husband and wife, as lessor and Mobay Chemical Co., Division of BayChem Corp, as lessee, for a primary term of ten (10) years.
- j. Oil and Gas Lease dated January 21, 1983 of record in Deed Book 495, at Page 668, by and between Roger W. Gatts and Yvonne S. Gatts, husband and wife, as lessor and Mobay Chemical Corporation, as lessee, for a primary term of ten (10) years.

Based upon information and belief, there has been no oil and gas activity, operations or production on the subject property, during the time we have owned the subject property.

Based upon information and belief, the subject property has not been pooled or unitized with any other lands for purposes of oil and gas operation and production.

I am not currently receiving, nor have I ever received, any type of income resulting

from oil and gas production, including but not limited to royalty income, delay rental income and/or shut-in payments from any of the Lands or wells described under the Leases mentioned above.

Given under my hand this 10th day of May, 2010.

Eli A. Wengerd
Eli A. Wengerd

Fannie Mae Wengerd
Fannie Mae Wengerd

STATE OF Ohio

COUNTY OF Holmes, to-wit:

Eli A. Wengerd, being first duly sworn, says that the facts and allegations contained in the foregoing Affidavit of Non-Production and Non-Payment are true, except so far as they are therein stated to be upon information, and that so far as they are therein stated to be upon information, he believes them to be true.

Eli A. Wengerd

Taken, sworn to and subscribed before me this 10th day of May, 2010.

Jane C. Whitmer
Notary Public in and for the State of Ohio

(NOTARIAL SEAL)

My Commission Expires: 5-16-10

STATE OF OhioCOUNTY OF Holmes, to-wit:

Fannie Mae Wengerd, being first duly sworn, says that the facts and allegations contained in the foregoing Affidavit of Non-Production and Non-Payment are true, except so far as they are therein stated to be upon information, and that so far as they are therein stated to be upon information, he believes them to be true.

Fannie Mae Wengerd

Taken, sworn to and subscribed before me this 10th day of May, 2010.

Jane C Whitmer
Notary Public in and for the State of Ohio

(NOTARIAL SEAL)

My Commission Expires: 5-16-11

JANE C. WHITMER
Notary Public, State of Ohio
My Commission Expires 5/16/2011

This Instrument was prepared by Gastar Exploration USA, Inc. After recording please return to Gastar Exploration USA, Inc. whose address is 1331 Lamar Street, Suite 1080, Houston, Texas 77010.

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 10th day of May, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 28th day of June, 2010 at 2:37 o'clock P.M.

TESTE: Jan Pest Clerk.